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June 26, 2020

**Via Overnight Federal Express, Facsimile (609) 292-7695 and Email  
(commissioner@dep.nj.gov)**

Commissioner Catherine McCabe  
Department of Environmental Protection  
Mail Code 401-07  
401 East State Street  
PO Box 402  
Trenton, New Jersey 08625-0420

**Via Overnight Federal Express and Facsimile (609) 777-3656**

Diane Dow, Director  
Division of Land Use Regulation  
501 E. State Street, Second Floor  
Trenton, New Jersey 08609

**Via Overnight Federal Express**

Mr. Vincent Mazzei, Acting Assistant Commissioner  
Division of Land Use Regulation  
501 E. State Street, Second Floor  
Trenton, New Jersey 08609

**Re: Request For Suspension And/Or A Stay Of Permits For Construction  
Of The Southern Reliability Link (SRL) Project**  
**Agency Reference Numbers: 0000-15-0007.1 CAF150001  
0000-15-0007.1 FWW15001**

Dear Commissioner McCabe, Director Dow, and Assistant Commissioner Mazzei:

On February 24, 2017, the DEP issued the above-referenced permits to New Jersey Natural Gas ("NJNG") for construction of the Southern Reliability Link ("SRL") pipeline through areas regulated by the DEP under its Coastal Zone Management rules ("CZM" rules) and rules implementing the Freshwater Wetlands Protection Act ("FWPA" rules). Pursuant to the Environmental Rights Act, N.J.S.A. 2A:35A-1 et seq. ("ERA") the Pinelands Preservation Alliance ("PPA") and the Sierra Club formally request that pursuant to N.J.S.A. 2A:35A-11 to avoid "immediate and irreparable injury" the DEP suspend the CAFRA permit, pursuant to the CZM rules at N.J.A.C. 7:7-27.7(a)(6), and the FWPA rules at N.J.A.C. 7:7A-20.8(a)(6).

As you may already be aware, the "inadvertent return" of drilling fluid from NJNG's horizontal directional drilling ("HDD") has created an immediate and irreparable injury, and has created an unknown amount of pollution that is still being investigated by the Department of Environmental Protection ("DEP").<sup>1</sup> This was exactly the kind of damage that PPA, Sierra Club and the affected residents all raised with DEP prior to its issuance of the above-referenced permits. In fact, Barbara Fox-Cooper (the resident featured in the recent newspaper article) made incredibly prescient public comments to DEP regarding the obviously foreseeable dangers of the proposed SRL project, on October 19 and 20, 2016, which foretold the unreasonable dangers posed by the construction of the SRL project. She described with unfathomable clarity, why DEP should not have granted authority to NJNG to construct the SRL so close to her house. The portion of the transcript containing her comments are attached to this letter as Exhibit A, and as the DEP is currently investigating NJNG's HDD accident, DEP would be wise to review her comments from October 19 and 20, 2016.

Now that those fears have become reality, the DEP should suspend its approvals for the SRL project until this tragic accident is fully explained, so that NJNG cannot cause more damage under the auspices of the DEP's permission. The CZM rules at N.J.A.C.

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<sup>1</sup> <https://www.nj.com/burlington/2020/06/work-halted-on-natural-gas-pipeline-after-drilling-sludge-damages-nj-couples-house.html>

7:7-27.7(a)(6), and the FWPA rules at N.J.A.C. 7:7A-20.8(a)(6), authorize DEP to suspend the above-referenced permits if:

“The regulated activities conducted pursuant to the authorization under a general permit, individual permit, or emergency authorization have caused unanticipated environmental impacts.”

Clearly, DEP would not have authorized construction of the SRL if it knew this would have happened.

For the aforementioned reasons, PPA and Sierra Club request that DEP immediately stay all construction upon the SRL. If DEP does not respond to this letter by July 2, 2020, then we will interpret the silence to mean that DEP has refused to suspend the CAFRA permit issued to NJNG for the SRL pursuant to R. 2:9-7.

Respectfully submitted,  
Law Offices Of Paul Leodori, P.C.  
Attorneys For Pinelands  
Preservation Alliance

By:   
Paul Leodori

Dated: June 26, 2020

Eastern Environmental Law  
Center  
Attorneys For The Sierra Club

By: /s/ Daniel Greenhouse  
Daniel Greenhouse

Dated: June 26, 2020

Attachments

cc: Kristina Miles, DAG (w/attachment)(Via Federal Express and Email)  
Dennis J. Krumholz, Esq. (w/attachment)(Via Federal Express and Email)  
Ryan Atkinson, DAG (w/attachment)(Via Federal Express and Email)  
Mr. Carleton Montgomery (w/attachment)(via electronic mail only)

**EXHIBIT A**

**In The Matter Of:**  
*CAFRA INDIVIDUAL PERMIT APPLICATION FOR N.J.N.G.*

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*October 20, 2016*

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*JH Buehrer & Associates*

Page 1

1 NEW JERSEY NATURAL GAS  
 2 SOUTHERN RELIABILITY LINK  
 3 PUBLIC HEARING  
 4 4:30 P.M.

5 -----\*  
 6 IN RE:  
 7 CAFRA INDIVIDUAL PERMIT APPLICATION  
 8 FOR NEW JERSEY NATURAL GAS  
 9 RELIABILITY LINK PROJECT  
 10 DLUP APPLICATION #0000-15-0007.1  
 11 CAF150001  
 12 CAFRA INDIVIDUAL PERMIT  
 13 -----\*

14 B E F O R E :

15 DIANE DOW - Director of Land Use  
 16 Regulation, DEP  
 17 CHRISTOPHER SQUAZZO - Environmental  
 18 Specialist 3, DEP  
 19 JANICE ARNETT - Environmental  
 20 Specialist, DEP

21  
 22 J.H. BUEHRER & ASSOCIATES  
 23 1613 Beaver Dam Road  
 24 Point Pleasant, New Jersey 08742  
 25 (732) 295-1975

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1 Plumsted, Upper Freehold, Jackson, and Manchester.  
 2 The project purpose is to provide a secondary  
 3 supply of natural gas to New Jersey Natural Gas  
 4 service area.

5 In addition to the CAFRA permit, the  
 6 applicant has also requested authorization under a  
 7 Freshwater Wetlands General Permit 2 to conduct  
 8 regulated activities within wetlands and transition  
 9 areas, associated with the construction of an  
 10 underground utility line. The applicant is  
 11 proposing to disturb .191 acres of freshwater  
 12 wetlands and transition areas. A portion of the  
 13 proposed .191 acre disturbance is located within  
 14 the coastal zone. Mitigation is required for any  
 15 authorized impacts to regulated areas in accordance  
 16 with the Freshwater Wetlands Protection Act Rules,  
 17 N.J.A.C. 7:7A.

18 Our role here today is to conduct this  
 19 hearing to obtain supplemental information from the  
 20 public on the CAFRA permit application. As such,  
 21 no decision has yet been made regarding this permit  
 22 application.

23 If you wish to speak, you must  
 24 indicate so on the sign-in sheets placed at the  
 25 registration desk in the lobby.

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1 (Whereupon, the following is  
 2 transcribed):  
 3 MS. DOW: Good afternoon. This is the  
 4 second of two public hearings regarding the CAFRA  
 5 individual permit application for New Jersey  
 6 Natural Gas Southern Reliability Link project.  
 7 My name is Diane Dow, and I am the  
 8 Director of the Division of Land Use Regulation at  
 9 the New Jersey Department of Environmental  
 10 Protection. I am the hearing officer today.  
 11 This afternoon we are providing an  
 12 opportunity for public comment on the CAFRA  
 13 individual permit application, NJDEP file  
 14 #0000-15-0007.1, CAFRA150001, submitted to the  
 15 Division of Land Use Regulation for authorization  
 16 to conduct regulated activities in the coastal  
 17 zone. The proposed project is a 29.5 mile, 30-inch  
 18 natural gas pipeline located in Burlington,  
 19 Monmouth, and Ocean counties. The portion of the  
 20 project located within the coastal zone consists of  
 21 approximately 4,700 linear feet of natural gas  
 22 pipeline located in Manchester Township, Ocean  
 23 County. The majority of the project is proposed to  
 24 be located within various roadways and  
 25 right-of-ways through Chesterfield, North Hanover,

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1 I will now discuss the procedural  
 2 aspects of this hearing. The purpose of the  
 3 hearing is to gather public comment from anyone who  
 4 wishes to speak. Any action taken by any person  
 5 that prevents the public from commenting is  
 6 unacceptable and will not be tolerated. Anyone  
 7 who violates the following rules of conduct may be  
 8 removed from the hearing:  
 9 No signs mounted on sticks, or  
 10 otherwise attached to an object, are allowed within  
 11 the auditorium.  
 12 No food or drink is allowed within the  
 13 auditorium.  
 14 Please remain seated until called  
 15 forward to provide comment.  
 16 No interrupting when someone is  
 17 speaking.  
 18 No unruly/disruptive behavior, such as  
 19 yelling, chanting, use of foul language.  
 20 Testimony will be limited to five  
 21 minutes per speaker. If you wish to speak beyond  
 22 the five-minute limit, please return to the  
 23 registration desk and add your name to the list  
 24 again indicating you would like to speak a second  
 25 time. Repeat speakers will be called after all

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1 MS. COOPER: Barbara Fox-Cooper, Upper  
 2 Freehold Township.  
 3 For the record, my four-acre property  
 4 of land and wetland along the proposed SRL route is  
 5 designated a certified wildlife habitat with the  
 6 National Wildlife Federation. Let me provide you  
 7 some information about the lay of the land on  
 8 Province Line Road. It's one-mile stretch of the  
 9 proposed SRL pipeline in Upper Freehold Township.  
 10 It begins in Arneystown and runs downhill for about  
 11 a quarter of a mile. Where the road levels is  
 12 large parcels of wetland occupy both sides of the  
 13 road. Rainwater and melting snow from the east,  
 14 north and west higher elevations find their way to  
 15 the wetlands and feed their vibrancy. This natural  
 16 flow also prevents roadway flooding.  
 17 The road then climbs back up to a  
 18 slightly higher elevation about the halfway point  
 19 before running downhill several dips until it  
 20 reaches the intersection of Route 537. And so it's  
 21 a one-mile long stretch of downhill terrain.  
 22 Rainwater and melting snow from that little section  
 23 of elevation goes down into ravines on green acres  
 24 parceled mentioned last night, again, not included  
 25 or considered on AECOM or NJNG's maps. From green

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1 acres the water then enters into a ten-foot wide  
 2 tributary at Rizer Creek that runs north to south.  
 3 During summer there is a depth of a few inches to  
 4 eight inches. During spring rain and snow melts it  
 5 lowers to the channel to about three to four feet  
 6 with white caps. It then comes to a "T" at the  
 7 southern boundary of our property where water flows  
 8 then wide spread and it's within feet of the edges  
 9 of Province Line Road for another quarter mile in  
 10 the form of wetland, creeks and streams not  
 11 identified on AECOM or NJNG's maps, and then enters  
 12 into Crosswicks Creek at 537.  
 13 For this entire one-mile stretch water  
 14 flows all months of the year. The water is  
 15 crystal clear. The bottom of creeks, wetlands,  
 16 fern pools, and yes, even sink holes is clearly  
 17 visible. The same water keeps our wells healthy  
 18 and to capacity, and our septic symptoms to process  
 19 efficiently. But HDD pipeline installation will  
 20 dump the harmful residues of bentonite and  
 21 additional additives into the steady long, downhill  
 22 network of flowing water. Alter the pH and  
 23 suffocate this natural healthy eco-system,  
 24 including wetlands and green acres. This is a  
 25 violation of wetland hydrology standards. Just

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1 today a Salem, Ohio newspaper announced that  
 2 Salem's May 2014 bentonite spill clean up in  
 3 wetlands is almost complete. That's a two and a  
 4 half year clean up, almost clean.  
 5 "Bentonite spills are a common practice  
 6 in the gas pipeline industry", said Terry Angelder,  
 7 a geoscience expert at Penn State University, cites  
 8 numerous spills in Ohio, Pennsylvania and West  
 9 Virginia. If you google bentonite spills and  
 10 wetlands you'll find links to ample evidence of  
 11 those spills.  
 12 Open trench excavation is not a safe  
 13 option either for this particular thoroughfare. At  
 14 above mid point sits an unmistakable quarter mile  
 15 about hundred year old, 150-foot stately trees.  
 16 They range in diameter between 12 and 30 inches,  
 17 some even larger. Michael Lamatta, an NJDEP  
 18 approved consultant forester in a written statement  
 19 to me dated August 2015 reported that the  
 20 installation of the proposed subterranean pipeline  
 21 will result in the loss of these large trees  
 22 through direct damage, increased destabilization,  
 23 and pathogens and alike, the meaning the residue  
 24 from horizontal directional drilling. And the open  
 25 trenching, a thirty-inch diameter tree requires a

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1 thirty-foot of root zone protection. The proposed  
 2 Pinelands installation's two and six feet of the  
 3 roadway tree zone is grossly inadequate.  
 4 So, NJDEP I don't know what resource  
 5 you used to make the decision regarding the wetland  
 6 permit application. If you never leave your  
 7 office and rely only on reports, most of which are  
 8 erroneous and incomplete, you're doing the people  
 9 and the environment an injustice. I invite you to  
 10 drive to my home at 39 Hutchinson Road in your  
 11 official state NJDEP van. My neighbors and I will  
 12 provide you a walking tour of the -- eco-system of  
 13 wetlands and waterways, now subject to the risk  
 14 of devastating --  
 15 MS. DOW: Thank you, ma'am.  
 16 MS. COOPER: Please seriously consider  
 17 my invitation, and see for yourself why a "no" vote  
 18 is the right vote for this wetland --  
 19 MS. DOW: Thank you. Ray Ostrowski.  
 20 Up next is Henry Krzewinski.  
 21 MR. OSTROWSKI: Ray Ostrowski, resident  
 22 of North Hanover Township. And I strongly oppose  
 23 this project.  
 24 Where I live, the house is surrounded  
 25 by trees and nearby streams. It's farm territory.

NEW JERSEY NATURAL GAS  
SOUTHERN RELIABILITY LINK  
PUBLIC HEARING  
4:30 P.M.

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IN RE:

CAFRA INDIVIDUAL PERMIT APPLICATION  
FOR NEW JERSEY NATURAL GAS  
RELIABILITY LINK PROJECT

DLUP APPLICATION #0000-15-0007.1  
CAF150001  
CAFRA INDIVIDUAL PERMIT

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BORDENTOWN PERFORMING ARTS CENTER  
BORDENTOWN REGIONAL HIGH SCHOOL  
318 WARD AVENUE  
BORDENTOWN, NEW JERSEY  
WEDNESDAY, OCTOBER 19, 2016

B E F O R E :

DIANE DOW - Director of Land Use  
Regulation, DEP

CHARLES WELCH - Supervisor, DEP

JANICE ARNETT - Environmental  
Specialist, DEP

J.H. BUEHRER & ASSOCIATES  
1613 Beaver Dam Road  
Point Pleasant, New Jersey 08742  
(732) 295-1975



1 have the power that they need to run a successful  
2 business. The restaurants in the area. Any kind  
3 of retail. Tourism. It's a win/win situation for  
4 everyone involved. If you're a homeowner or if  
5 you're a business, or if you're a family person,  
6 it's a win/win for everyone.

7           And for all of those reasons the  
8 Alliance for Action calls on the organization to  
9 approve the Southern Reliability project as quickly  
10 and expeditiously as possible. And I want to thank  
11 you for your time.

12           MS. DOW: Jen Kovth is on deck.

13           MS. COOPER: Barbara Fox-Cooper, Upper  
14 Freehold Township.

15           My home faces Province Line Road, a  
16 one-mile stretch of the SRL pipeline that runs from  
17 Arneytown to Route 537. Between the one-quarter  
18 mile and the three-quarter mile mark of that  
19 one-mile stretch there are five route crossings  
20 defined by the presence of water, small bridges and  
21 large culverts. Only one of those water crossings  
22 shows up on AECOM's maps. That one-mile stretch is  
23 also defined by large areas of wetlands on both  
24 sides of the road. Three and four acres of my  
25 property are wetlands. Three sides of my property

1 are adjacent to wetlands. The east, to the south,  
2 and a large Green Acres parcel to the north on  
3 Province Line Road. And Crosswicks Street  
4 tributary, ten-feet wide, with a sixty-foot wide  
5 easement runs through the middle of my property and  
6 crosses to the other side of Province Line Road.  
7 Yet only a small area of these large parcels of  
8 wetland is identified on AECOM's maps. And the  
9 Green Acre parcel, deemed unsatisfactory for the  
10 construction of homes, is not sited on the NJNG  
11 wetlands permit application.

12 One large and one small sink hole are  
13 visible on my property, and within seventy to a  
14 hundred feet of the SRL route. Twenty years ago  
15 our basement foundation collapsed due to the  
16 unstable terrain, even though it was located high  
17 on a berm on so-called solid ground. Our home sat  
18 on stilts until the ground could be stabilized and  
19 a new foundation could be put in place. Township  
20 inspection records for when the home was built did  
21 not exist, because the two building inspectors are  
22 serving prison time. Our home should not have been  
23 built on such an unstable terrain, nor should a  
24 high pressure gas transmission line be built on  
25 such unstable terrain.

1                   The soil in the area of my home and  
2 that of my neighbors on Province Line Road is  
3 largely clay and marl. Marl is a slippery  
4 clay-like soil similar to a big slurry oil slick.  
5 If you happen to walk near it, you would lose your  
6 balance, an occasional misstep for me and my  
7 neighbors. And now a gas pipeline installed in  
8 marl conditions could destabilize the lime and  
9 gypsum and sand and cement components. Current  
10 research by soil industry experts indicate the  
11 results are still experimental, and remain as a  
12 questionable soil foundation for construction  
13 projects. The SRL is a volatile high-pressure  
14 transmission line, not a road or a building  
15 project. The previous owner to my home was not  
16 permitted a tennis court due to the terrain. The  
17 Veteran's cemetery cannot clear the woodland across  
18 the street from me because of the unstable terrain  
19 marked with sink holes.

20                   My home sits at the corner of Province  
21 Line and Hutchinson Road. For 28 years a six-foot  
22 diameter sink hole sits at that corner. The UFT  
23 road department comes by once a year and fills it  
24 with fresh stone and repaves. This unstable ground  
25 is within three feet of where the SRL pipeline will

1 be laid. Add to that factor the impact of  
2 proposed horizontal directional drilling, and the  
3 instability becomes even more complicated.

4 I understand gas pipelines large and  
5 small can be installed most anywhere. Over  
6 mountains, through the woods and to grandmother's  
7 house. But it's important to take a closer look at  
8 the wetlands and water crossings being disturbed on  
9 Province Line Road. Under conditions not revealed  
10 by AECOM or NJNG, and vote not the current wetland  
11 permit application. NJDEP offers hearings where  
12 we share concerns and ask questions, but the format  
13 does not allow answers to our questions. If NJDEP  
14 is indeed labelled to see to the protection of the  
15 environment, which in turn protects the people have  
16 that environment, I ask that NJDEP provide an  
17 opportunity for citizens to get answers to our  
18 questions from your environmental experts. Not  
19 Transco or NJNG, or any other company with a  
20 conflict of interest in this project. Please  
21 consider of request given what you're asking of us,  
22 the citizens and the environment impacted by this  
23 colossal invasive project. Thank you.

24 MS. DOW: Kevin Coleman on deck.

25 MS. KOVTH: Jen Kovth. Again, I just